

FILED
JAN 04 2017
U.S. BANKRUPTCY COURT
BY EL DEPUTY

Case No.: 16-51899-rbk *16-05083*
Chapter: 13
Hearing Date: 1/9/17
Judge: Ronald B. King

CERTIFICATION OF CONSENT
REGARDING CONSENT ORDER

I certify that with respect to the Consent Order of 12/19/16 submitted by the Court, the following condition has been met:

If submitting the consent order and this certification to the Court conventionally, I acknowledge the signing of same for all purposes, including those under Fed. R. Bankr. P. 9011 (sign certification in pen and ink and the Court will scan);

Certification:

Date: Jan 3, 2017



Signature of Pro Se

**Wellness International Network
v. Sharif**

, 135 S. Ct. 1932 (2015),
the U.S. Supreme Court addressed
an unresolved question from its deci-
sion in

Stern v. Marshall

, 131 S. Ct. 2594 (2011): whether parties' consent
permits a bankruptcy judge to enter a final order or judgment on a claim
otherwise requiring Article III adjudication.

The court answered in the affirmative, explaining that non-Article III tribunals
may enter final judgments on so-called "Stern claims" when litigants provide
consent—either express or implied—that is "knowing and voluntary." Id. at
1948. Although the decision answered the constitutional consent question, it
provided limited guidance on how to evaluate consent in practice.

This article summarizes the decision in Wellness,
surveys subsequent lower court decisions and proposed amendments to the
Federal Rules of Bankruptcy Procedure that will require parties in adversary
proceedings to affirmatively express their consent or nonconsent, and iden-
tifies five factors that bear on consent analysis in practice.

Background

Bankruptcy courts' adjudicative authority has been in question since
Congress created the modern bankruptcy court system in Bankruptcy Act of
1978 (1978 Act), Pub. L. 95-598, 92 Stat. 2549, granting bankruptcy courts final
adjudicative authority over all matters "arising under [the Bankruptcy Code]
or arising in or related to a case" under the Bankruptcy Code. 28 U.S.C. §1471(b)
(repealed). Within a few years of 1978 Act's enactment, the Supreme Court
struck down the grant of authority as unconstitutional and limited bankruptcy
courts' authority to enter final orders to matters involving "the restructuring of
debtor/creditor relations [that] is at the core of the federal bankruptcy power."
Northern Pipeline Constr. Co. v. Marathon Pipe Line Co.
, 458 U.S. 50, 71, 76 (1982). In the wake of Marathon, Congress enacted the
Bankruptcy Amendments and Federal Judgeship Act of 1984 (BAFJA), Pub. L. 98-
353, 98 Stat. 3